

DIVISION OF RIGHT OF WAY & UTILITIES MEMO 06-14

TO: Michael Hill, P. E.
Director
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FROM: Dean M. Loy *DM Loy 20 June 2014*
Acting Director
Division of Right of Way and Utilities

DATE: 20 June 2014

RE: **Consultant Prequalification Criteria for Right of Way Acquisition Services and Relocation Services.**

The Division Right of Way and Utilities has established the following consultant prequalification criteria for Right of Way Acquisition Services and Relocation Services.

Right of Way Consultants and Independent Fee Buyers - In order to respond to advertised projects a firm must become pre-qualified prior to the response due date. Criteria for being placed on the Cabinet's pre-qualified list of Right of Way Acquisition consultants are as follows:

Firm: A firm shall have a Project Manager who is either on staff or committed to working exclusively for that firm. To qualify as Project Manager, the individual must have a minimum of six years of experience in Right of Way acquisition under the laws of eminent domain, with demonstrated management skills.

Acquisition Buying Agents: A firm shall have at least two buyers who are on staff or committed to working exclusively for the firm. One of these must meet the minimum requirements of a Level III Agent. The second buyer may be a Level I, or Trainee.

A Level III Acquisition Agent: is an individual with a minimum of three years of recent experience in buying under the laws of eminent domain and capable of handling multiple complex acquisition issues.

A Level II Acquisition Agent: is an individual with a minimum of two years of recent experience in buying under the laws of eminent domain and capable of handling complex acquisition issues.

A Level I Acquisition Agent: is an individual with a minimum of one year of experience in buying under the laws of eminent domain and capable of handling minor acquisitions and non-complex issues.

An Acquisition Trainee: is an individual who meets the minimum qualifications but has no experience in acquiring right of way under the laws of eminent domain. To be considered as a trainee, an individual must be a graduate of a college or university with a bachelor's degree. Experience in writing real estate appraisals, Right of Way negotiations, or relocation assistance, all of which must have been under the laws of eminent domain, and work directly under a Project Manager and/or a Level III Buyer for a period of three years, will substitute for the required education on year-for-year basis.

Any firm wishing to perform relocation assistance work, in addition to acquisition activities, must also meet the following criteria:

Relocation Assistance Agent: A firm shall have a Level II Relocation Agent on staff committed to working exclusively for that firm.

A Level II Relocation Assistance Agent: is an individual with a minimum of two years of recent experience in Relocation Assistance under the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970, as amended, and capable of handling complex relocation issues.

A Level I Agent: is an individual with a minimum of one year of experience in buying under the laws of eminent domain and capable of handling minor relocation files and noncomplex issues.

A Relocation Assistance Trainee: is an individual who meets the minimum qualifications of an Agent II position, but has no experience in relocation under the laws of eminent domain. To be considered as a trainee, an individual must be a graduate of a college or university with a bachelor's degree. Experience in Right of Way acquisitions, all of which must have been under the laws of eminent domain and work directly under a Project Manager and/or a Level II Relocation Agent for a period of two years, will substitute for the required education on year-for-year basis.

INSURANCE: Vendors must have Workers' Compensation and Liability Insurance as required by the Division of Professional Services.

Independent Fee Buyers: is an individual contracted to a firm for work on independent projects. The above mentioned qualifications must be met for the level of work desired. All Independent Fee Acquisition

Buyers or Relocation Assistance Persons must be associated with a qualified firm in order to be considered for pre-qualification.

Prequalification Renewal

A firm's renewal of prequalification status will be based on satisfactory performance on past and current projects and an affirmation by an officer of the firm that the qualified personnel identified in previous submittals for prequalification remain in that function. Any changes must be submitted as part of the annual request for renewal.

Reasons for Removal of Prequalification

A firm's performance and retention of qualifying personnel will be the basis for continued prequalification. Removal of prequalification can be based on a firm's failure to perform in a professional and capable manner. If a firm loses its prequalification status, removal of prequalification will generally be for one year from the date of notification from the Cabinet. In addition to the criteria listed above, the deliberate misrepresentation of the firm's qualification and/or the failure to notify the cabinet of changes in the qualified staffing of a firm may result in the loss of the prequalification status for a period of at least one year.

Any firms currently prequalified for any of these Right of Way services with the Division of Right of Way will remain prequalified through their firms current prequalification renewal date with the Division of professional Services. Firms currently prequalified for these Right of Way services with the Division of Right of Way, but not currently prequalified through the Division of Professional Services will remain prequalified through December 31st, 2014.

Should you have any questions or need any additional information from us regarding this change in prequalification criteria, please let us know?